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9 UNITED STATES DISTRICT COURT
10 EASTERN DISTRICT OF CALIFORNIA

11	THEODORE W. WILSON,)	NO. 2:02-cv-2169-MCE-KJM P
12	Plaintiff,)	
13	vs.)	STIPULATION VACATING
14	SEGUNDINO O. OBEDOZA, M.D.,)	SETTLEMENT CONFERENCE;
15	Defendant.)	ORDER

16 The Court has scheduled a settlement conference on Wednesday, October 29, 2008, at
17 9:00 a.m., at the California State Prison - Solano (Doc. 86). For the reasons stated below, the
18 parties stipulate that a settlement conference is inappropriate at this time and location, and ask
19 this Court to enter an order vacating the settlement conference.

20 1. The parties do not believe a settlement conference would be productive at this time.
21 In the pretrial order, the Court indicated that “[i]f the parties wish to have a settlement
22 conference, they shall inform the court as soon as possible.” (Doc. 62, at 7). The parties have
23 not so informed the Court. The Court dismissed the plaintiff’s state law medical claim, without
24 prejudice to the plaintiff re-filing the claim in state court. (Doc. 54, at 10; Doc. 57, at 2).
25 Plaintiff filed the claim in the Superior Court of California, County of Solano, and the Superior
26 Court granted summary judgment for the defendant. The matter is currently pending as Case No.
27 A120321, California Court of Appeal, First Appellate District, Division 1. Until the appeal of
28 the state court matter is resolved, a settlement of this case is unlikely.

1 2. In the event that the Court nevertheless believes that a settlement conference is
2 appropriate, the parties submit that the conference should not take place at CSP-Solano, because
3 plaintiff is no longer incarcerated in the California Department of Corrections and
4 Rehabilitation. (See Doc. 59, at 2, plaintiff "is an ex-inmate parolee."). Plaintiff has now
5 completed his parole term and is a private citizen living in Long Beach, California. Any
6 settlement conference should be scheduled at the courthouse or other appropriate non-prison
7 setting.

8 3. Counsel for Plaintiff cannot appear at a settlement conference on the morning of
9 October 29, 2008, due to a scheduling conflict. Counsel is scheduled to supervise a certified law
10 student's oral argument before the Ninth Circuit Court of Appeals in Nos. 07-17322 and 08-
11 15778, Norwood v. Vance. The oral argument is set for 9:30 a.m. at the McGeorge School of
12 Law in Sacramento.

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14 IT IS SO STIPULATED.

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16 Date: October 15, 2008

/S/ Carter C. White

Carter C. White
Supervising Attorney
Attorney for Plaintiff

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20 Date: October 15, 2008

/S/ C. W. Guess

Catherine Woodbridge Guess
Deputy Attorney General
Attorney for Defendant

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24 ORDER

25 Having considered the stipulation of the parties, the settlement conference in this matter
26 is hereby vacated.

27 Date: October 22, 2008.

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U.S. MAGISTRATE JUDGE